

1 GEOFFREY A. HANSEN
2 Acting Federal Public Defender
3 VARELL L. FULLER
4 Assistant Federal Public Defender
5 160 West Santa Clara Street, Suite 575
6 San Jose, CA 95113
7 Telephone: (408) 291-7753

FOEDSÖÖÄFFEDFGE

8 Counsel for Defendant JUAN CORTEZ-PADILLA

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10
11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13
14 SAN JOSE DIVISION

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17 UNITED STATES OF AMERICA,) No. CR 11-00872 RMW
18 Plaintiff,) STIPULATION AND []
19 vs.) ORDER TO MODIFY BRIEFING
20 JUAN CORTEZ-PADILLA,) SCHEDULE, CONTINUE MOTION
21 Defendant.) HEARING DATE AND EXCLUDE TIME
22) UNDER THE SPEEDY TRIAL ACT
23)
24) Honorable Ronald M. Whyte
25)

26 **STIPULATION**

27 Defendant Juan Cortez Padilla, by and through Assistant Federal Public Defender Varell
28 L. Fuller, and the United States, by and through Special Assistant United States Attorney
29 Carolyne Sanin, hereby stipulate that, with the Court's approval, the motion hearing currently set
30 for Monday, October 29, 2012, at 9:00 a.m., shall be continued to Monday, November 5, 2012, at
31 9:00 a.m. The parties also request that the Court modify the briefing schedule as follows: the
32 defense shall file its initial brief on or before October 2, 2012. The government may file a
33 response on or before October 16, 2012. The defense may file a reply on or before October 23,
34 2012.

35 The reason for the requested continuance is that defense counsel requires additional time

1 to meet with Mr. Cortez-Padilla and to prepare the pretrial motions. Defense counsel respectfully
2 requests additional time to effectively prepare Mr. Cortez-Padilla's defense, and therefore
3 respectfully requests a continuance of the briefing schedule and motion hearing previously set in
4 this matter for October 29, 2012 to November 5, 2012.

5 Accordingly, the parties agree that the time between October 29, 2012, and November 5,
6 2012 may be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), for
7 effective preparation by defense counsel.

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9 Dated: September 20, 2012

10 _____/s/
11 VARELL L. FULLER
12 Assistant Federal Public Defender

13 Dated: September 20, 2012

14 _____/s/
15 CAROLYNE SANIN
16 Special Assistant United States Attorney

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1 **[] ORDER**

2 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY
3 ORDERED that the motion hearing currently set for Monday, October 29, 2012, shall be
4 continued to Monday, November 5, 2012, at 9:00 a.m. The briefing schedule shall be modified as
5 follows: the defense shall file its motion on or before October 2, 2012. The government may file
6 a response on or before October 16, 2012. The defense may file a reply on or before October 23,
7 2012.

8 THE COURT FINDS that failing to exclude the time between October 29, 2012, and
9 November 5, 2012, would unreasonably deny the defendant reasonable time necessary for
10 effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. §§
11 3161(h)(7)(B)(iv).

12 THE COURT FINDS that the ends of justice is served by excluding the time between
13 October 29, 2012, and November 5, 2012, from computation under the Speedy Trial Act and
14 outweigh the interests of the public and the defendant in a speedy trial.

15 THEREFORE, IT IS HEREBY ORDERED that the time between October 29, 2012, and
16 November 5, 2012, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. §
17 3161(h)(7)(A) and (B)(iv).

18 IT IS SO ORDERED.

19 Dated: "Qevqdgt"33, 2012


THE HONORABLE RONALD M. WHYTE
United States District Judge

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